

REMARKS/ARGUMENTS

The Examiner issued a first non-final Office Action on June 23, 2003, the period for responding thereto having been extended so as to expire on December 23, 2003. The Examiner rejected Claims 1-4 and 6-13 under 35 U.S.C. Section 112, first paragraph and, again, under 35 U.S.C. Section 12, second paragraph, in connection with the use of the language, "to adapt" in connection with the ceramic and/or rare earth particles. Claims 1, 6, 8, 10 and 12 have been amended to change the language "adapted to" to "which" to make clear that there is no special treatment to or adaptation of the rare earth elements and/or ceramics to produce the reflection, amplification and conversion of the wave lengths of infrared radiation from long wavelength infrared radiation to short wavelength infrared radiation. With the noted changes to the various Independent Claims, the two Section 112 rejections are overcome and withdrawal of the rejection of the Claims on these grounds is respectfully requested.

The Examiner has also rejected each of the originally presented Claims 1-16 under 35 U.S.C. Section 103(a) as being obvious over Zhou, et al, U.S. Patent No. 6,120,531, in view of Robinson, et al, U.S. Patent No. 6,179,879. Applicant respectfully traverses the rejection of Claims 1-16 and argues for the patentability of new Claims 17-20 over the proposed combination of the Zhou, et al and Robinson, et al, references, which combination is considered to be inappropriate.

The Examiner cites the Zhou, et al, reference as disclosing the impregnation of a fibrous material with particles from the rare earth elements of the lanthanum and actinium

series and incorporating the particles into fibrous materials and forming the fibrous materials into garments. The Examiner notes that Zhou, et al, differs from the claimed invention because Zhou does not teach incorporating the particles into a leather material, which is substantially different from the claimed and disclosed material in Applicant's invention. We note that in Claim 2 the rare earth elements and/or ceramics are further recited to include one or more of erbium, neodymium and titanium, of which erbium and neodymium are not mentioned in the Table A of chemical elements used in the Zhou, et al, patent, although they are part of the lanthenoids.

However, there are substantial differences further between the Zhou, et al, reference and Applicant's claimed invention. Among these are the manner in which the materials utilized in Zhou, et al, are applied to the garment. In the fabric suggested to be used by Zhou, et al, the materials are kept in contact with the fabric as a layer. Generally, Zhou, et al, relates to a deposition type material added as a surface layer to a fabric. In sharp contract, the claimed invention as recited in each of the independent Claims 1, 5, 6, 8, 10 and 12 reflect structures in which the rare earth element and/or ceramic particles are disposed and embedded within the fiber matrix of the tanned leathers' internal fiber matrix. This system is functionally superior for the noted purposes whereby the user's body heat is intended to be converted into the more desirable wavelengths of electromagnetic radiation then the layer approach utilized by Zhou, et al.

Similarly, the Zhou, et al, reference provides no teachings of any relevance relating to the other independent Claims in the Application, namely, Claims 14 and 15 directed to a

process for inserting rare earth elements and/or ceramics into the fiber matrix of leather or a beneficially interactive leather in which the tanned leather has a surface coating of phase change material. The Zhou, et al, patent does not provide any teachings in connection with either of these Claims' limitations.

The Robinson, et al, patent, which is directed to LEATHER IMPREGNATED WITH TEMPERATURE STABILIZING MATERIAL AND METHOD FOR PRODUCING SUCH LEATHER teaches as did the earlier Widdemer Patent No. 5,759,706, processes by which certain materials may be impregnated into tanned leather for various purposes. However, there is no suggestion in Robinson, et al, or in the Zhou, et al, reference that it would have been useful or even possible to introduce the rare earth and/or ceramics into the fiber matrix of leather in a fashion which provides the benefits described and claimed in Applicant's invention. Similarly, contrary to the Examiner's suggestion, Robinson, et al, does not describe or suggest and the Zhou, et al, reference does neither, in connection with the presence of a layer of temperature stabilizing material added to the surface of tanned leather to provide thermal stability of the leather when subject to heat or cold or the use of paraffin to encase the phase change material for attachment to the surface of the leather. While Robinson, et al, and the earlier Widdemer references show that it is possible to introduce certain materials into the fiber matrix of the tanned leather, there is no suggestion in either Robinson, et al, or in any of the other references, including Zhou, et al, that such treatment and placement of rare earth and/or ceramics having frequency shifting characteristics would be advisable or suggested. The only place that such combination is found is in Applicant's

Appl. No. 09/880,691
Amdt. Dated December 23, 2003

disclosure. Accordingly, withdrawal of the object to the Claims over the combination of references, which is deemed inappropriate in view of the absence of any suggestion in either of the references of the desirability or suitability of the combination is present.

Accordingly, Applicant has made a diligent effort to place this Application in condition for allowance and notice to this effect is earnestly solicited.

We note that the new Claims added do not add any new matter, but merely more clearly and completely claim Applicant's invention.

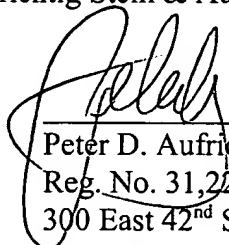
Accordingly, Applicant respectfully submits that Claims 1-20, as amended, are now in condition for allowance and notice to this effect is earnestly solicited.

If the Examiner is unable to issue an immediate Notice of Allowance, she is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Office Action so that resolution of any open issues may be resolved without the need for further action.

Respectfully submitted,

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